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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Establishment of Public Service Radio</b>	)	<b>RM-9405</b>
<b>Pool in the Private Mobile Frequencies</b>	)	
<b>Below 800 Mhz</b>	)	

**COMMENTS OF NIAGARA MOHAWK POWER CORPORATION**

Pursuant to Section 1.405 of the FCC's Rules, Niagara Mohawk Power Corporation hereby submits its Comments in support of the above-referenced "Petition for Rulemaking" filed on August 14, 1998, by UTC, The Telecommunications Association (UTC), the American Petroleum Institute (API), and the Association of American Railroads (AAR).

**Introduction**

Niagara Mohawk Power Corporation is an investor owned utility serving over 1.5 million electric and gas customers over 23,000 square miles of upstate New York. Niagara Mohawk Power currently holds over 200 FCC licenses for frequencies ranging from 2 mhz to 23 ghz. These licenses and frequencies are vital to our ability to serve our customers and continue to provide a safe work environment for our employees.

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## Comments

The nature of our companies business is vital to the safety of the general public and requires sophisticated wireless communications devices to accomplish our mandated tasks. Every year, summer and winter storms afford us an opportunity to realize the value of our wireless communications and our allocated frequency spectrum. This year, Niagara Mohawk experienced the worst storm in its history. A severe ice storm hit upstate New York and virtually all high voltage and distribution power lines were down in a four county area. The restoration efforts involved over 700 utility crews and radio communications was vital to the operations. Public systems such as cellular and paging were unavailable during the first several days of the emergency. Niagara Mohawk's primary communications to field crews was through our privately owned radio network. Thousands of homes were without electricity in sub-zero temperatures and restoration of critical homes and businesses was dependent on our ability to dispatch crews using our internal wireless systems.

Each year, Niagara Mohawk Power experiences storms of varying severity. This past Labor day a freak lightning and wind storm brought massive power outages in Central New York. Once again, crucial communications took place over both our voice and data wireless networks. It would seem obvious that any interference or close space co-users on our frequency spectrum allocations could cause complete chaos and potentially result in delays in getting electricity and gas to the general public. It is crucial to public safety that power be restored expeditiously during these types of emergencies. Critical dispatch communications for grounding and power line energizing relies solely on our ability to communicate in an interference free environment. In the days when our company relied on lower frequency bands such as 46-48 mhz, skip or long haul interference was common and often caused unnecessary delays in transmitting field orders. Utility communications must be clear and concise to insure the safety of our employees and the public.

Competitive frequency coordination has potential for diluting the importance of utility use of the spectrum. Business channels have become increasingly congested and while this can be construed as nuisance interference, it would be harmful interference if this type of congestion occurred on our frequency allocations. There is no way of predicting when channel priority should take place in a shared system. Any moment, utility crews may need positive and clear communications, free from interference from other users. Someone hits a gas pipe and suddenly there is a real danger to the general public. This type of emergency requires immediate response and concise dispatch methods. There is no logic to waiting until the channel is clear of routine non-utility communications.

It is apparent that the Petition for Rulemaking proposing a Public Service Radio Service, insures the continued safety of the general public in allowing utilities and others with like interest, a means to communicate in an interference free environment. Anything short of this compromises the safety of thousands of utility company employees, the general public and increases the potential of alarming and extended utility outages of gas and electric energy.

### Conclusion

In conclusion, Niagara Mohawk Power Corporation supports the Petition for Rulemaking, and urges the FCC to promptly issue a Notice of Proposed Rulemaking looking toward the creation of a Public Service Radio Service as described in the Petition.

Respectfully submitted,

**NIAGARA MOHAWK POWER CORPORATION**

By: John Krupcale

John Krupcale  
Manager, Wireless Telecommunications

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing "Comments of Niagara Mohawk Power Corporation" was sent by first class mail, postage prepaid, to the following this 8<sup>th</sup> day of December, 1998.

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